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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,362	07/18/2003	Jasper Jan Wickerhoff	240625US6	2557

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EXAMINER

SWIATEK, ROBERT P

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/621,362

Applicant(s)

WICKERHOFF ET AL.

Examiner

Robert P. Swiatek

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 6, 9-13 is/are objected to, as improper.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7-18-03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayer Jr. The aircraft of Mayer Jr. includes a series of control slots 22 disposed about a portion of the nose of the craft, as well as along upper surfaces of the wings and horizontal stabilizer. A separate blower or the aircraft's engine itself directs air through the slots to improve control and handling of the aircraft. Air directed downwardly from slots on the aircraft's nose would create an air screen in advance of the landing gear, deflecting at least some of the slipstream away from the landing gear.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer Jr. While slots 22 of Mayer Jr. are not oriented vertically or disclosed as being on the underside of the aircraft, to provide at least some slots with a vertical orientation and situate them on the

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underside of the craft would have been obvious to one skilled in the art wishing to further improve the lift of the aircraft as well as its stability by changing the direction of the expelled air.

Claims 1-3, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Passler (DE 43 34 164 A1: Ref. AO on PTO-1449). Blower unit 1 of Passler is considered to deflect at least some air away from the landing gear—in this case, the tires—of the aircraft due to the horizontal motion of air expelled forwardly and laterally from the unit. As seen from Figure 3 of Passler, the slots of the unit 1 are oriented obliquely so as to direct air downwardly.

Claims 1-5, 7, 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In claim 1, lines 5, 6, the phrase “landing gear or at least from components thereof” is unclear is both unclear and does not properly limit the scope of the invention due to use of the term *or*, in line 9, the phrase “or at least of components thereof” is alternative in nature and does not properly restrict the scope of the invention.

Claims 1-5, 7, 8 are objected to because of the following informalities: In claim 1, line 4, “sound-reducing” should be changed to –noise-reducing–; in claim 3, line 2, and claim 4, line 2, –a– should be inserted after each occurrence of “in.” Appropriate correction is required.

Claims 6, 9-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

The abstract of the disclosure is objected to because it should avoid use of the terms “means” and “said.” Correction is required. See MPEP § 608.01(b).

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The disclosure is objected to because of the following informalities: On page 8, line 2, "IV" should be changed to -V-.

Appropriate correction is required.

The patents to Seversky (US 2,180,462) and Seibel (US 4,027,836) have been cited to provide additional examples of landing gear arrangements.

RPS: J703/308-2700  
16 April 2004

*Robert P. Swiatek*  
ROBERT P. SWIATEK  
PRIMARY EXAMINER  
ART UNIT 3643